

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

PATRICIA RENEE DAVENPORT,)
)
 Plaintiff,)
)
 v.) 1:21-CV-254-DCP
)
 KILOLO KIJAKAZI,¹)
 Acting Commissioner of Social Security,)
)
 Defendant.)

ORDER OF REMAND UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g)

Before the Court are the parties' Joint Motion for Entry of Judgment Under Sentence Four, 42 U.S.C. § 405(g) [Doc. 25] and Plaintiff's Motion for Summary Judgment [Doc. 22]. For the reasons stated herein, the Court will **GRANT** the parties' Joint Motion for Entry of Judgment Under Sentence Four, 42 U.S.C. § 405(g) [**Doc. 25**] and **DENY as MOOT** Plaintiff's Motion for Summary Judgment [**Doc. 22**].

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the joint motion to remand this action, this Court now, upon substantive review, hereby enters a judgment under sentence four of 42 U.S.C. § 405(g), reversing the Commissioner's decision with a remand of the cause to the Commissioner according to the

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 405(g) of the Social Security Act, 42 U.S.C. § 405(g).

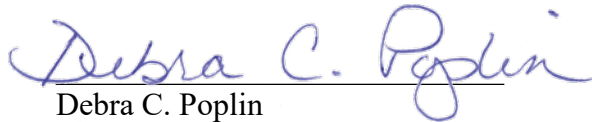
following terms. *See Shalala v. Schaefer*, 509 U.S. 292, 296 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 97–98 (1991).

The Court finds remand is warranted for further evaluation of Plaintiff's impairments and the medical opinion evidence. On remand, the agency will re-evaluate Plaintiff's limitations and the medical opinion evidence. In doing so, the agency will offer Plaintiff a new hearing; update the record; re-evaluate Plaintiff's limitations, the medical opinions, and prior administrative medical findings; and issue a new decision.

Accordingly, the parties' Joint Motion for Entry of Judgment Under Sentence Four, 42 U.S.C. § 405(g) [**Doc. 25**] is hereby **GRANTED**, and Plaintiff's Motion for Summary Judgment [**Doc. 22**] is hereby **DENIED as MOOT**. A separate judgment will enter.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge